

Thomas-Jensen Affirmation

Exhibit # 58

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF SALEM STATE UNIVERSITY

I, Rita P. Colucci, declare as follows:

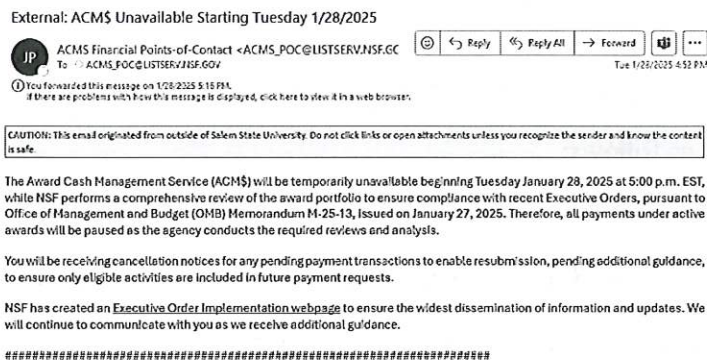
1. I am a resident of the Commonwealth of Massachusetts. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by Salem State University ("SSU") as Vice President and General Counsel.

3. SSU is a regional public university located in the North Shore region of Massachusetts and awards both bachelor's and master's degrees. As a comprehensive university, Salem State prepares students of diverse backgrounds and interests to achieve their educational and career goals and to contribute to a global society as ethical and engaged community members. As a public university, Salem State also makes critical contributions to civic life, environmental sustainability, and the cultural, social, and economic vitality of the North Shore.

4. As Vice President and General Counsel, I have been informed through the Vice President for Finance and Facilities (Karen House) about certain matters pertaining to federal

funding received or due to the university. An attempt was made on January 28, 2025 at 2:01pm to draw down NSF Grant funding in the amount of \$33,846.78 on the NSF website, Research.gov, Award Cash Management Service (ACM\$). SSU was subsequently notified via email that ACM\$ would be unavailable beginning Tuesday, January 28, 2025 at 5:00pm while NSF “performs a comprehensive review of the award portfolio to ensure compliance with recent Executive Orders, pursuant to [OMB M-25-13]” and therefore all payments under active awards would be paused. The email notified us that we would be receiving cancellation notices for any pending payments. A screen capture was made of this notification:



5. SSU currently has two active federal grant awards totaling \$526,922 from the National Science Foundation (“NSF”). This includes 1) Award 2200918, Designing Computational Modeling Curricula across Science Subjects to Study How Repeated Engagement Impacts Student Learning throughout High School, and 2) Award 2314916, Advancing Collaborations for Equity in Marine and Climate Sciences through Racial Equity.

6. The NSF grants are for the following purposes. 1) Designing Computational Modeling Curricula across Science Subjects to Study How Repeated Engagement Impacts Student Learning throughout High School through improving access and addressing gaps in research literature (DC Models K12 NSF Grant). The project aims to address two problems of practice in DCPS high schools: A lack of access to computing and computer science education

for all students, and a lack of access to NGSS-based curricular resources and PD for teachers.

and 2) Advancing Collaborations for Equity in Marine and Climate Sciences through Racial Equity in STEM Education (NSF ACE-MCS Grant) The purpose of this research project is to examine how Woods Hole Collaborative Network (WHCN) researchers and administrators advance collaborations for equity in MCS and what processes are employed for developing equity-driven and anti-racist educational collaborations, infrastructures, and pathways. Project outcomes will span individual, institutional, and disciplinary level transformations.

7. SSU's budget for this year has relied on the NSF funding, and we made plans and allocated funding for staffing and Travel, Dissemination of Research, Data Collection and Analysis, and Publication Costs, and Indirect costs based on the anticipated receipt of Federal funding promised for these NSF grants.

8. Any pause in our federal funding would create an unofficial "loan" from the university to the Federal government as the terms and conditions of the grant require us to pursue the work as described.

9. Potential lapse in funding could call into question the ability to support PI's time spent on this project, pay Graduate Research Assistants for time spent on this project, reimbursement for contracted services on project, and reimbursement for travel costs associated with this project.

10. In the next 24-48 hours, SSU is scheduled to receive reimbursement disbursements of \$34,808.11 under these current federal NSF grants. The NSF ACM\$ portal shows this drawdown transaction is "Accepted" per the screen capture below as of February 4,

2025 at 2:35pm:

Transaction ID	Date Certified / Prepared	Certified/ Prepared By	Total # of Awards	Payment Transaction Total	Payment Date Requested	Transaction Status
433387	02/03/2025 11:05:17	Newbegin, Jenna	2	\$34,808.11	02/03/2025	Accepted
431725	01/28/2025 14:01:41	Newbegin, Jenna	2	\$33,846.78	01/28/2025	Cancelled

Additionally, there is \$124,084.29 Net Available Funds remaining on the DC Models K12 NSF Grant, and \$266,238.81 Net Available Funds remaining on the NSF ACE-MCS Grant. These funds are currently appropriated, obligated and budgeted at Salem State University.

11. We expect the next drawdowns to occur on a Monthly basis. If SSU does not receive such disbursements, it will create receivables for costs incurred by the University, jeopardize status of student (Grad. Research Asst.) employment, and jeopardize status of course releases and summer pay for PI.

12. Below are transmissions received by our institution that described or effected any pause or impediments for disbursements

External: ACM\$ Unavailable Starting Tuesday 1/28/2025



ACMS Financial Points-of-Contact <ACMS_POC@LISTSERV.NSF.GC
To: ACMS_POC@LISTSERV.NSF.GOV

☺ ↩ Reply ↩ Reply All → Forward 📎 ...
Tue 1/28/2025 4:52 PM

① You forwarded this message on 1/28/2025 5:16 PM.
If there are problems with how this message is displayed, click here to view it in a web browser.

CAUTION: This email originated from outside of Salem State University. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Award Cash Management Service (ACM\$) will be temporarily unavailable beginning Tuesday January 28, 2025 at 5:00 p.m. EST, while NSF performs a comprehensive review of the award portfolio to ensure compliance with recent Executive Orders, pursuant to Office of Management and Budget (OMB) Memorandum M-25-13, issued on January 27, 2025. Therefore, all payments under active awards will be paused as the agency conducts the required reviews and analysis.

You will be receiving cancellation notices for any pending payment transactions to enable resubmission, pending additional guidance, to ensure only eligible activities are included in future payment requests.

NSF has created an [Executive Order Implementation webpage](#) to ensure the widest dissemination of information and updates. We will continue to communicate with you as we receive additional guidance.

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13. SSU draws down funds from the NSF grant via the NSF website. On January 28, 2025, SSU attempted, but was unable, to draw down the grant funds from the NSF, as payments were frozen and the website was not accessible. On January 29, 2025, SSU again was unable to

draw down the funds and observed a notification on the NSF website indicating that “all NSF grantees must comply” with all relevant executive orders “by ceasing non-compliant grant and award activities.” To date, SSU has not received this funding. A screen capture was made of this notification:

Message to the NSF principal investigator community

Jan. 29, 2025

Our top priority is resuming our funding actions and services to the research community and our stakeholders. We are working expeditiously to conduct a comprehensive review of our projects, programs and activities to be compliant with the existing executive orders.

We will continue to try and communicate with you as these changes are happening in real time.

All NSF grantees must comply with these executive orders, and any other relevant executive orders issued, by ceasing all non-compliant grant and award activities. Executive orders are posted at [whitehouse.gov/presidential-actions](https://www.whitehouse.gov/presidential-actions). In particular, this may include, but is not limited to conferences, trainings, workshops, considerations for staffing and participant selection, and any other grant activity that uses or promotes the use of diversity, equity, inclusion and accessibility (DEIA) principles and frameworks or violates federal anti-discrimination laws.

Please work with your institutional research office to assist you in complying with the executive orders. You can also direct your questions through [this webform](#). We are receiving a large volume of submissions, and we will not be able to respond individually. As we collect your questions, we will compile and post frequently asked questions (FAQs) on this page. Please check back regularly to access these FAQs.

Thank you for your work advancing science, engineering, technology and innovation for our nation.

15. We continue to be concerned that the funding will again be delayed or denied because the notifications and messages are very broadly stated, which is not consistent with past Federal instructions which apply to specific research projects.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, at Salem, MA

Declaration of Rita P. Colucci